

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

483S0468

SENATE STATE AFFAIRS ENGROSSED NO. **SB 88** - 1/27/2011

Introduced by: Senators Gray, Begalka, Kraus, Maher, and Rhoden and Representatives Russell, Abdallah, Hoffman, Miller, Nelson (Stace), Olson (Betty), and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain penalties involving the bribery of a voter.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 12-26-15 be amended to read as follows:

4 12-26-15. It is a ~~Class 2 misdemeanor~~ Class 1 misdemeanor for any person, directly or
5 indirectly, by himself or herself or through any other person:

6 (1) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money
7 or other valuable consideration, to or for any voter or to or for any other person, to
8 induce ~~such the~~ voter to vote or refrain from voting at any election or to induce any
9 voter to vote or refrain from voting at ~~such the~~ election for any particular person or
10 to induce ~~such the~~ voter to go to the polls or remain away from the polls at ~~such the~~
11 election, or on account of ~~such the~~ voter having voted, refrained from voting or
12 having voted or refrained from voting for any particular person, or having gone to the
13 polls or remained away from the polls at ~~such the~~ election;

14 (2) To give, offer, or promise any office, place, or employment, or to promise to procure



or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person in order to induce ~~such~~ the voter to vote or refrain from voting at ~~such~~ the election for any particular person;

(3) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to, for, or with any person in order to induce ~~such~~ the person to procure or endeavor to procure the election of any person, or the vote of any voter at any election;

(4) To procure or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at ~~such~~ the election;

(5) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any election, or to knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

Section 2. That § 12-26-16 be amended to read as follows:

12-26-16. It is a ~~Class 2 misdemeanor~~ Class 1 misdemeanor for any person, directly or indirectly, by himself or herself or through any other person:

(1) To receive, agree, or contract for, before or during any election, any money, gift, loan, or other valuable consideration, offer, place, or employment for himself or herself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining away or agreeing to remain away from the polls at ~~any such~~ the election; or

(2) To receive any money or other valuable thing during or after an election, for himself or herself or any other person for having voted or refrained from voting at ~~such~~ the

1 election, or on account of himself or herself or any other person having voted or
2 refrained from voting for any particular person at ~~such~~ the election, or on account of
3 himself or herself or any other person having gone to the polls or remained away
4 from the polls at ~~such~~ the election, or on account of having induced any other person
5 to vote or refrain from voting, for any particular person at ~~such~~ the election.

6 Section 3. That chapter 12-26 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 It is a Class 1 misdemeanor for any candidate, campaign, political party, organization, or
9 person working or volunteering on behalf of any candidate, campaign, or political party to feed
10 or offer food to a voter or eligible voter while conducting a meeting, rally, event, or gathering
11 at which same day voting is directed, urged, or encouraged.